

REMARKS

This is responsive to the Office Action mailed on August 8, 2007. Claims 63-86 were pending.

I. Summary of Office Action

The Examiner rejected claims 63, 69, 70, 77, and 82 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,351,075 to Herz et al. (hereinafter "Herz").

The Examiner rejected claims 64, 66-68, 71, 72, 74-76, 78-81, and 83-86 under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of U.S. Patent Publication No. 2005/0204388 to Knudson et al. (hereinafter "Knudson").

The Examiner rejected claims 65 and 73 under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Knudson, and in view of U.S. Patent Publication No. 2002/0026496 to Boyer et al. (hereinafter "Boyer").

II. Summary of Applicants' Reply

Applicants have amended claims 63, 69, 77, and 82 in order to more particularly define the invention. No new matter has been added, and the amendments are fully supported and justified by the originally filed specification. Support for these amendments may be found at least on page 28, line 27 through page 30, line 3 of applicants' specification.

III. Applicants' Detailed Reply

Claims 63, 69, 70, 77, and 82 were rejected under 35 U.S.C. § 102(b) as being anticipated by Herz. This rejection is respectfully traversed.

The invention, as recited in amended base claim 63, provides a method for receiving notifications for upcoming programs. In particular, a list of program titles for unscheduled programs, as well as information about the unscheduled programs is displayed. These unscheduled programs are programs that are outside a program listings time frame that is available to a user. The user is allowed to select a program title from the displayed list, and a program-specific availability notification is subsequently provided to the user when the corresponding program is in the current program listings time frame. A message notification, an e-mail notification, or a reminder notification may be provided, and each notification alerts the user that a particular program is available.

Applicants submit that although Herz discloses receiving video program choices from users and broadcasting popular video programs, nowhere does Herz teach providing a user with a "program-specific availability notification" as recited in amended base claim 63. Herz provides a master schedule that merely lists the viewing periods of video programs, and does not provide or teach a program-specific availability notification to alert a user of the availability of a specific program "when the corresponding program is now in the current program listings time frame" as recited in amended base claim 63 (See FIGS. 2-5 of Herz). Thus, Herz's approach cannot be considered to teach the applicants' claimed approach of providing a program-specific availability notification,

as recited in amended base claim 63. Because Herz does not teach all of the elements of amended base claim 63, the § 102 Rejection of amended base claim 63 should be withdrawn and amended base claim 63 should now be allowable.

While the scope of amended base claims 69, 77, and 82 may differ from that of amended base claim 63, these claims similarly recite providing a user with a program-specific availability notification. Hence, amended base claims 69, 77, and 82 are allowable for at least the same reasons. Claim 70 depends from allowable base claim 69, and is therefore allowable for at least the same reasons. Thus, applicants request that the §102(e) rejection of claims 63, 69, 77, and 82 be withdrawn.

Claims 64, 66-68, 71, 72, 74-76, 78-81, and 83-86 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Knudson. For at least the foregoing reasons with respect to amended base claims 63, 69, 77, and 82, the combination of Herz and Knudson fails to teach or suggest all of the elements of amended base claims 63, 69, 77, and 82, and consequently, dependent claims 64, 66-68, 71, 72, 74-76, 78-81, 83-86. Accordingly, the Examiner has failed to make a prima facie case of obviousness for claims 64, 66-68, 71, 72, 74-76, 78-81, and 83-86. Therefore, the § 103(a) Rejection of claims 64, 66-68, 71, 72, 74-76, 78-81, and 83-86 should be withdrawn.

Claims 65 and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Knudson, and in view of Boyer. For at least the foregoing reasons with respect to amended base claims 63 and 69, the combination of Herz, Knudson and Boyer fails to teach or suggest all of the elements of amended base claims 63 and 69, and consequently, dependent claims 65 and 73.

Application No.: 09/378,533
Amendment dated November 8, 2007
Reply to office Action dated August 8, 2007

Docket No.: UV-98

Accordingly, the Examiner has failed to make a prima facie case of obviousness for claims 65 and 73. Therefore, the § 103(a) Rejection of claims 65 and 73 should be withdrawn.

IV. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no additional fee is due with this response other than as reflected on the enclosed Amendment Transmittal. However, if additional fees are due, please charge our Deposit Account No. 06-1075, under Order No. UV-98 (003597-0098) from which the undersigned is authorized to draw.

Dated: November 8, 2007

Respectfully submitted,

By 

Michael J. Chasan
Registration No. 54,026
Agent for Applicants
ROPES & GRAY LLP
Customer No. 1473
1211 Avenue of the Americas
New York, New York 10036
Tel.: (212) 596-9000